

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TECHNOGYM S.p.A., an Italian
corporation,

Case No. 2:10-cv-358

Plaintiff,

vs.

**COMPLAINT FOR PATENT
INFRINGEMENT**

SPORTS ART AMERICA, INC., a
Washington corporation,

Defendant.

Technogym S.p.A. alleges:

PARTIES

1. Plaintiff is Technogym S.p.A. which is a corporation organized under the laws of Italy having its principal place of business at Via Perticari, 20, 47035 Gambettola (FC) Italy (**Technogym**).

2. Defendant is Sports Art America, Inc., which is a corporation organized under the laws of the state of Washington, having its principal place of business at 19510 144th Avenue

1 NE, Ste. A-1, Woodinville, Washington, 98072 and doing business as SportsArt Fitness
 2 (**SportsArt**).
 3

JURISDICTION AND VENUE

4 3. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).
 5

6 4. Personal jurisdiction and venue is proper in the Western District of Washington
 7 pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400(b) in that a substantial part of the events giving
 8 rise to Technogym's claims occurred in this district and SportsArt has its principal place of
 9 business in this District.
 10

FACTS COMMON TO TECHNOGYM'S CLAIM FOR PATENT INFRINGEMENT

11 5. United States Patent No. 6,786,850 ('850 patent) was issued on September 7,
 12 2004, bearing the title *Exercise Apparatus for Simulating Skating Movement*. A copy of the '850
 13 patent is attached hereto as Exhibit A.
 14

15 6. United States Patent No. 7,115,073 ('073 patent) was issued October 3, 2006,
 16 bearing the title *Exercise Apparatus for Simulating Skating Movement*. A copy of the '073
 17 patent is attached hereto as Exhibit B.
 18

19 7. United States Patent No. 7,556,592 ('592 patent) was issued July 7, 2009,
 20 bearing the title *Method of Using Exercise Apparatus for Simulating Skating Movement*. A copy
 21 of the '592 patent is attached hereto as Exhibit C.
 22

23 8. Technogym B.V., Manno Branch, a Swiss corporation, is the owner by
 24 assignment of the '850, '073 and '592 patents.
 25

26 9. Technogym S.p.A. is the exclusive licensee of the '850, '073 and '592 patents.
 27

10. SportsArt, on information and belief, is a wholly owned subsidiary of SportsArt
 2

1 Industrial Co., Ltd., No. 11, Gong Huan Rd., Tainan Technology Industrial Park, Tainan City,
2 Taiwan, Republic of China (SportsArt Industrial), which manufactures and sells to SportsArt the
3 S770 Pinnacle Trainer, the exercise device accused of infringement in this lawsuit.

4 11. SportsArt imports, uses, sells and offers to sell the exercise device identified as
5 the S770 Pinnacle Trainer, which device falls within the scope of one or more claims of the '850,
6 '073 and '592 patents (collectively the **patents-in-suit**).
7

8

9 SOLE CLAIM FOR RELIEF
10 Infringement of U.S. Patent Nos. 6,786,850, 7,115,073 and 7,556,592

11 12. SportsArt infringes and continues to infringe the patents-in-suit by importing into
12 the United States, using, selling and offering to sell the S770 Pinnacle Trainer, which device
13 includes elements and methods that embody one or more of the claims of the patents-in-suit.

14 13. By selling or offering to sell the S770 Pinnacle Trainer, SportsArt engages in
15 activities that contribute to the infringement of or induce others to infringe the patents-in-suit as
16 proscribed by 35 U.S.C. § 271(f) .
17

18 14. On information and belief, SportsArt has and has had full knowledge of the
19 patents-in-suit before the initiation of this lawsuit and its actions are therefore willful and
20 deliberate.
21

22 15. SportsArt will continue to willfully infringe the patents-in-suit unless enjoined by
this Court. Technogym has no adequate remedy at law.
23

24 16. As a direct and proximate cause of SportsArt's infringement of the patents-in-suit,
Technogym has been and will continue to be damaged in an amount yet to be determined.
25

26 17. As a result of SportsArt's willful infringement the case is exceptional.
27

PRAAYER

Technogym prays for the following relief:

A. For a judgment holding Sports Art America, Inc. liable for infringement of the patents-in-suit;

B. For an award of damages adequate to compensate Technogym for SportsArt's infringement of the patents-in-suit, including enhanced damages and other damages as allowed by 35 U.S.C. § 284;

C. For injunctive relief enjoining SportsArt, its directors, officers, employees and agents, and all those who are in active concert with SportsArt or participate with SportsArt in acts of infringement of the patents-in-suit:

a. From making or having made any product or providing any service incidental thereto that falls within the scope of the claims of the patents-in-suit;

b. From using any product, method or providing any service incidental thereto that falls within the scope of the claims of the patents-in-suit;

c. From selling, offering to sell, licensing or purporting to license any product, method or offering any services incidental thereto that falls within the scope of the claims of the patents-in-suit:

d. From importing into the United States any product that falls within the scope of the claims of the patents-in-suit;

- e. From actively inducing others to infringe any claim of the patents-in-suit;
- f. From engaging in acts that constitute contributory infringement of any claim of the patents-in-suit; and

g. From engaging in any act of infringement of any claim of the patents-in-

1 suit.

2 D. For an order directing SportsArt to deliver up for destruction any infringing
3 product in its care, custody or control;

4 E. For an order declaring that this case is exceptional and that Technogym be
5 awarded its attorneys fees and cost of suit against SportsArt as permitted by 35 U.S.C. § 285;

6 F. For an award of Technogym's costs of this action; and

7 G. For such further relief as this Court deems just and equitable.

8 Dated: March 4, 2010

9 By: /s/ Rex B. Stratton

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21 Attorneys for Technogym S.p.A.